UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, et al.,)))
Plaintiffs,)
v.) Civil Action No. 1:25-cv-10276
CHARLES EZELL, ACTING DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT, et al,)))
Defendants.)

<u>DEFENDANTS' CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND</u>

Pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, Defendants respectfully move this Court for an extension of time of 24 days (until May 8, 2025) to respond to the Amended Complaint, ECF No. 77. In support of this motion, Defendants state as follows:

- 1. Plaintiffs filed their Complaint on February 4, 2025, alleging claims challenging the Deferred Resignation Program and seeking to freeze the deadline to enroll. Compl., ECF No. 1. The following day, they moved for a temporary restraining order. Mot. for Temporary Restraining Order, ECF No. 11. Defendants responded to that motion on February 6, Mem. in Opp., ECF No. 45, and the Court subsequently entered, at a virtual hearing, an oral order temporarily barring termination of the enrollment period for the Deferred Resignation Program in advance of a future motion hearing. See ECF No. 42.
- 2. On February 10, the Court held the motion hearing and verbally ordered that the enrollment period continue to be held open while the Court considered the arguments of both sides. See ECF No. 60. Two days later, the Court issued an opinion and order dissolving the Court's prior orders, denying preliminary injunctive relief, and concluding that the Court likely lacked subject-matter

jurisdiction over Plaintiffs' suit on both standing and claim channeling grounds. Opinion and Order,

ECF No. 66.

3. On March 31, Plaintiff filed an Amended Complaint, ECF No. 77. Defendants'

current deadline to respond is April 14, 2025. Fed. R. Civ. P. 15(a)(3) (explaining a response is due

"within 14 days after service of the amended pleading").

4. There is good cause for a 24-day extension of the time to respond. Undersigned

counsel has a substantial current workload, including having three motions to dismiss and two replies

due for filing in the next thirty days, as well as various other matters demanding undersigned's

attention. Undersigned also returned from leave on April 8, and did not have access to email, as he

was on leave outside the country, when Plaintiffs filed the amended complaint. The other members

of the team also have substantial commitments of a similar nature. Together, these circumstances

constitute good cause for an extension of 24 days (until May 8, 2025) to respond to the Amended

Complaint.

5. The requested extension will not delay the proceedings or otherwise prejudice any

party.

6. On April 8, 2025 Plaintiffs consented to the May 8, 2025 extension request.

For the foregoing reasons, good cause exists for the Court to grant this motion. Defendants

respectfully request that the Court grant the requested extension of time until May 8, 2025 for

Defendants to respond to the Amended Complaint

Dated: April 11, 2025

Respectfully submitted,

YAAKOV M. ROTH

Acting Assistant Attorney General

DIANE KELLEHER

Director, Federal Programs Branch

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/s/ Jason Altabet

Jason Altabet (MD Bar No. 2211280012) Trial Attorney

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Counsel for the United States

CERTIFICATE OF SERVICE

On April 11, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court for the District of Massachusetts, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

/s/ Jason Altabet

Jason Altabet (MD Bar No. 2211280012) Trial Attorney